

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Dennis E. Hecker,

Debtor.

Randall L. Seaver, Trustee,

ADV No. 09-_____

Plaintiff,

vs.

COMPLAINT

Dennis E. Hecker,

Defendant.

Randall L. Seaver, Trustee (“**Trustee**”) of the Bankruptcy Estate of Dennis E. Hecker (“**Debtor**”) as and for his Complaint against Defendant Dennis E. Hecker (“**Defendant**”), states and alleges as follows:

1. Trustee is the duly appointed Chapter 7 Trustee of the bankruptcy estate of the Debtor.
2. This bankruptcy case was commenced on June 4, 2009, by the filing of a voluntary Chapter 7 petition.
3. This adversary proceeding is a core proceeding within the meaning of 28 U.S.C. §157 and 1334 and Bankruptcy Rule 5005. This proceeding arises under 11 U.S.C. §§521(a)(4), 541 and 542.
4. The Debtor’s schedules in this case were not filed until the night of July 1, 2009.

5. The Debtor's schedule B, at Exhibit B(7), a copy of which is attached hereto as Exhibit A, disclosed the existence of watches, including four Rolex watches, and a wedding band having total scheduled values of \$59,000.

6. On July 3, 2009, the Trustee, by e-mail correspondence to the Debtor's attorney, requested that all items identified at Exhibit B(7) be turned over to the Trustee on July 7, 2009. None of the items on Exhibit A have been turned over to the Trustee.

7. The Trustee believed that the items on Exhibit A were insured.

8. The Trustee had requested various documents from the Debtor and on July 9, 2009, some of those documents were delivered. Some of the documents seemed to indicate that the Debtor had attempted to, or had, canceled insurance on the jewelry. The Debtor had not notified the Trustee of this action or attempted action.

9. Included in the documents requested by the Trustee, and received on July 9, were insurance policy schedules for jewelry items. That schedule indicated the existence of a men's gold and diamond ring and a men's gold and diamond bracelet, neither of which were listed in schedule B(7). The items are described in the Schedule of Items attached hereto as Exhibit B. Those two items had an insured value of in excess of \$10,000. (The items that appeared to be women's jewelry have been redacted from this Exhibit 2.) The insurance schedule of items also listed 8 Rolex watches, which appear to be men's watches and described at items 5, 6, 7, 8, 19, 28, 29, and 33 of the Schedule of Items attached hereto as Exhibit B. The total of the insured value of the 8 Rolex watches exceeds \$260,000.

10. The Debtor's only claimed exemption in all of the above items is a \$1,225 claimed exemption in the gold wedding ring, which ring has an insured value of \$53,692 and has been scheduled by the Debtor as having a \$24,000 value.

11. Pursuant to 11 U.S.C. §§521(a)(4), 541 and 542, the Plaintiff is entitled to immediate possession of these items.

WHEREFORE, the Trustee requests a Judgment of the Court:

1. Ordering the Debtor to immediately turnover to the Plaintiff all items identified at Exhibits A and B hereto, together with any other jewelry owned by the Debtor pre-petition which is not listed in those exhibits.
2. For such other and further relief as the court deems just and equitable.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: July 13, 2009

By: _____

Matthew R. Burton, #210018
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
Telephone: (612) 332-1030
Facsimile: (612) 332-2740

**ATTORNEYS FOR RANDALL L.
SEAVER, TRUSTEE**

404767

Watches	Band	Make	Model	Misc.	Lot Value
yellow 18k	18K Gold	Rolex	Day Date		\$22,400
yellow 18k	18K Gold	Rolex	Daytona		
yellow 18k	18K Gold	Rolex	Submariner		
yellow 18k	Leather	Rolex Cellini	Cellini		
Stainless	Leather	Tudor	Tiger Woods		
*Stainless	Stainless	Yahtmaster	Rolex		
Stainless	Leather black	Breitling	Chrono	lookalike	\$750
Stainless	Stainless	Breitling	Colt Superdean		
*Stainless	Navy Rubber	Breitling	Chrono	lookalike	
Stainless	Rubber	Hublot	Big Bang	lookalike	\$8,750
Stainless	Leather	Corum	Joker		
Stainless	Leather	Baume Mercier	Tank		
*Rose Gold	Chocolate Rubber	Hublot	Big Bang		
Stainless	Rubber	Panerai	Luminor	lookalike	\$2,500
Stainless	Leather	Panerai	Luminor		
Stainless	Stainless	Montblanc	GMT		
Stainless	Stainless	Montblanc	Chrono		
Goldplate	Leather	Montblanc	Chrono		
Stainless	Leather	Euro Watch Co.	Ganador		\$300
Stainless	Leather	Officin a del tempo	#A26361		
Stainless	Leather	Damiani	Tank		
Stainless	Leather	Versace	Chrono		
Stainless	Stainless	Versace			
Stainless	Both	Kobold	Automatic		\$150
Stainless	Both	Kobold	Automatic		
BLK Stainless	Rubber	Momo	Chrono		
Stainless	Leather	Chevy logo			
Stainless	Rubber	Empirio Armani			
Stainless	Yellow Rubber	Techno Marine			\$250
Stainless	Blue Rubber	Techno Marine			
Stainless	Black Rubber	Swiss Army			
Stainless	Stainless	Swiss Army			
Stainless	Stainless	Swiss Army			
Stainless	Leather	Grimoldi	Borgonvo		\$100
Stainless	Nylon	Nixon	Square		
*Stainless	Rubber	Tommy Bahama			
Stainless	Stainless	Tommy Hilfiger			
Stainless	Nylon	Tommy Bahama			
?			Cartier	Travel Clock	\$90
18k	Ring		N/A	Wedding band	\$24,000

EXHIBIT A

Schedule of Items

Endorsement Effective Date : 10/29/08

Policy Number: AIG PCG

1132

JEWELRY

Item Description	Amount Insured
2 ONE GENTS 14KT YELLOW GOLD 7 DIAMOND CLUSTER HEAVY NUGGET RING HAVING AN APPROX TOTAL WT OF 1.00CT	\$3,087
3 1 GENTS 18KT YELLOW GOLD SQUARE LINK BRACELET W/11 CHANNEL SET DIAMONDS HAVING APPROX TOTAL WT OF 1.00CT	\$7,387
5 1 GENTS 18KT YELLOW GOLD ROLEX SUBMARINER OYSTER PERPETUAL DATE WRIST WATCH BLUE DIAL 31 JEWEL MOVEMENT MODEL #R166188B9290, S#R387027	\$23,153
6 1 GENTS 18KT YELLOW GOLD ROLEX SUBMARINER OYSTER PERPETUAL DATE WRIST WATCH BLACK DIAL 31 JEWEL MOVEMENT MODEL #R166188B9290, S#R679517	\$23,153
7 1 GENTS 18KT YELLOW GOLD ROLEX PRESIDENT DAY DATE WRIST WATCH OYSTER PERPETUAL 31 JEWEL MOVEMENT BLACK BAGUETTE DIAL 18KT YELLOW MODEL #R182388B8385	\$30,760
8 ONE GENTLEMEN'S MIDSIZED STAINLESS STEEL ROLEX DATE JUST WATCH	\$3,528
15 1 GENTS 18K YELLOW GOLD DIAMOND WEDDING RING W/17 PRINCESS CUT DIAMONDS 1 LARGER CENTER PRINCESS CUT WEIGHING APPROX 3.51CT 8 PRINCESS CUTS CHANNEL SET ON BOTH SIDE OF LARGER CENTER WEIGHING APPROX 2.40CT TOTAL WT.	\$53,692
19 MEN'S 18KT DAYTONA GOLD ROLEX W/GOLD BRACELET	\$13,671

EXHIBIT B

Schedule of Items

Endorsement Effective Date : 10/29/08

Policy Number: AIG PCG

1132

28 MEN'S STAINLESS STEEL YACHT MASTER ROLEX WATCH	\$9,371
29 ROLEX WATCH PLATINUM MASTER DAY DATE REF#R1894663187274, SERIAL #U735387	\$82,908
33 ROLEX DAYTONA MEMO WATCH	\$84,562

TOTAL JEWELRY AMOUNT COVERED

FINE ARTS

Item Description	Amount Insured
1 CLOCK	\$15,000

TOTAL FINE ARTS AMOUNT COVERED \$15,000

FURS

Item Description	Amount Insured
1 ONE BROWN LEATHER & MAHOGANY MINK JACKET	\$3,500

TOTAL FURS AMOUNT COVERED \$3,500

MUSICAL INSTRUMENTS

Item Description	Amount Insured
1 1985 KAWAI BABY GRAND PIANO MODEL KG-1D S#1568631	\$9,196